

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

City of Detroit, Michigan,

Debtor.

Bankruptcy Case No. 13-53846  
Honorable Thomas J. Tucker  
Chapter 9

**JOINT *EX PARTE* MOTION OF THE DETROIT POLICE OFFICERS  
ASSOCIATION AND CITY OF DETROIT FOR ENTRY OF AN ORDER  
AUTHORIZING SEALING OF EXHIBIT TO JOINT MOTION  
AUTHORIZING AND APPROVING (A) SETTLEMENT OF CLAIM 1862,  
(B) DISTRIBUTION PROCEDURES FOR CLAIM 1862,  
AND (C) RELATED RELIEF**

The City of Detroit (“City”) and the Detroit Police Officers Association (“DPOA”) file this Joint *Ex Parte* Motion of the Detroit Police Officers Association and City of Detroit for Entry of an Order Authorizing Sealing of Exhibit to Joint Motion Authorizing and Approving (A) Settlement of Claim 1862, (B) Distribution Procedures for Claim 1862, and (C) Related Relief (the “Ex Parte Motion”). In support of the *Ex Parte* Motion, the City and the DPOA jointly state the following:

1. Through this *Ex Parte* Motion, the DPOA and City seek entry of an order in substantially the same form as the proposed order attached as **Exhibit 1**, which authorizes and approves the sealing of a list of current and former DPOA members who the DPOA asserts are entitled to receive a portion of the distribution

pursuant to the parties' proposed settlement of the DPOA's Wage Claim (as defined herein).

2. The DPOA is the exclusive bargaining agent for and representative of the City's police officers ("members").

3. On February 20, 2014, the DPOA filed proof of claim number 1862 ("Claim 1862") on behalf of its members in an unliquidated amount. Claim 1862 asserts a claim based on a 5% wage increase awarded DPOA members ("Wage Claim").

4. The City and the DPOA have now settled the Wage Claim and will soon be filing a joint motion for an order authorizing and approving the settlement and the distribution procedures required by the settlement (the "Joint Motion").<sup>1</sup> The DPOA is authorized and empowered to act on behalf of and bind the members to the settlement to be set forth in the Joint Motion.

5. Pursuant to the settlement currently under discussion, which will be set forth in greater detail in the Joint Motion, the DPOA, on behalf of its past and current members, will hold an Allowed Class 14 Claim under the City's confirmed plan of

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<sup>1</sup> Because the terms of the Joint Motion and the proposed order authorizing and approving the terms thereof are still the subject of continuing discussions, any conflict or inconsistency between the terms of, or any statement or assertion contained in, the Joint Motion, and the terms of or any statements contained herein, will be governed and controlled by the Joint Motion or any order authorizing and approving the Joint Motion, as applicable.

adjustment in the amount of \$12.5 million (“Allowed Claim 1862”). As will be set forth more fully in the Joint Motion and in accordance with the procedures identified in the Joint Motion, the City will make a single distribution of B Notes on account of Allowed Claim 1862 to the DPOA at the same time as the final distribution of B Notes is made by the City to the holders of Allowed Class 14 Claims under the Plan generally. The DPOA will then distribute any proceeds of Allowed Claim 1862 to qualified current or former DPOA members.

6. The DPOA asserts that there are 1650 current or former DPOA members who, as will be further defined by the Joint Motion, will be entitled to receive a portion of the proceeds distributed in connection with the Wage Claim (“DPOA Wage Claimants”). The City has been provided with a list of the DPOA Wage Claimants, which, if this *Ex Parte* Motion is granted, will be filed with this Court under seal.<sup>2</sup>

7. The DPOA has compiled a list of the DPOA Wage Claimants, which will be Exhibit 6A to the Joint Motion. Exhibit 6A is a 58-page document (56 pages plus 2 cover sheets) that identifies each of the DPOA Wage Claimants, all of whom are current or former members of the Detroit Police Department. This *Ex Parte*

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<sup>2</sup> Among other things, the Joint Motion will confirm that the City has played no role and will play no role in identifying the DPOA Wage Claimants, determining the method for allocating the proceeds of Claim 1862 among them, or making any distributions of such proceeds to DPOA Wage Claimants.

Motion seeks an order allowing proposed Exhibit 6A to be filed under seal with this Court to protect the names of the City's current and former police officers.

8. If the Court grants the *Ex Parte* Motion, Exhibit 6A will be filed under seal in accordance with this Court's ECF Procedure 9. In addition, as will be further set forth in the Joint Motion, individuals who believe they may be DPOA Wage Claimants will be provided notice by the DPOA and an opportunity to verify that they are included on Exhibit 6A prior to any distribution of the proceeds of the Wage Claim.

9. A copy of this Ex Parte Motion is being served via ECF on all parties that are registered for ECF service in this bankruptcy case.

### **RELIEF REQUESTED**

WHEREFORE, the DPOA and the City jointly request that the Court enter an order in the form attached as **Exhibit 1**, which authorizes Exhibit 6A to the Joint Motion to be filed under seal in accordance with the ECF Procedure 9.

Dated: January 15, 2021

Respectfully submitted by,

LAW OFFICE OF BARBARA A. PATEK, P.L.C.

By: /s/ Barbara A. Patek

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# **EXHIBIT 1**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

City of Detroit, Michigan,

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**ORDER AUTHORIZING THE CITY OF DETROIT AND THE DETROIT  
POLICE OFFICERS ASSOCIATION TO FILE EXHIBIT 6A TO JOINT  
MOTION FOR ENTRY OF AN ORDER AUTHORIZING AND  
APPROVING (A) SETTLEMENT OF CLAIM 1862, (B) DISTRIBUTION  
PROCEDURES FOR CLAIM 1862, AND (C) RELATED RELIEF UNDER  
SEAL**

Upon the Joint Ex Parte Motion of the City of Detroit and the Detroit Police Officers Association for the entry of an Order Authorizing Exhibit 6A to the Joint Motion for Entry of an Order Authorizing and Approving (A) Settlement of Claim 1862, (B) Distribution Procedures for Claim 1862, and (C) Related Relief (“Ex Parte Motion”);<sup>1</sup> the Court has reviewed the Ex Parte Motion, is otherwise apprised of the matter, and finds good cause for the entry of this order;

IT IS ORDERED THAT:

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<sup>1</sup> Capitalized terms not otherwise defined in this Order shall have the meanings given to them in the Ex Parte Motion.

1. The Ex Parte Motion is granted to the extent set forth in this Order.
2. Upon the filing of the parties' Joint Motion for Entry of an Order Authorizing and Approving (A) Settlement of Claim 1862, (B) Distribution Procedures for Claim 1862, and (C) Related Relief (the "Joint Motion"), Exhibit 6A is to be filed under seal in accordance with this Court's ECF Procedure 9.

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on January 15, 2021, the Joint Ex Parte Motion of the Detroit Police Officers Association and City of Detroit for Entry of an Order Authorizing Sealing of Exhibit 6A to Joint Motion Authorizing and Approving (A) Settlement of Claim 1862, (B) Distribution Procedures for Claim 1862, and (C) Related Relief (the “Ex Parte Motion”) and this Certificate of Service were electronically filed with the Clerk of the Court for the United States Bankruptcy Court, Eastern District of Michigan, Southern Division using the CM/ECF System, which will send notification of such filing to all attorneys and parties of record registered electronically.

Respectfully submitted,

LAW OFFICE OF BARBARA A. PATEK, P.L.C.

By: /s/ Barbara A. Patek

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DATED: January 15, 2021